

1 IN THE UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF OHIO

3 WESTERN DIVISION

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5 WELLS FARGO BANK NA :

6 CROWN NORTHCORP :

7 Plaintiff :

8 -vs- : CASE NO. 3:07-CV-00449

9 LaSALLE BANK NATIONAL :

10 ASSOCIATION :

11 Defendant :

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13 Proceedings before the Honorable
14 Magistrate Judge Michael R. Merz at the United
15 States Courthouse, Federal Building, 5th Floor,
16 Dayton, Ohio at 10:40 a.m. on November 4, 2009,
17 before Paula A. Blosser, a Registered Professional
18 Reporter and Notary Public within and for the State
19 of Ohio.

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20 ON BEHALF OF PLAINTIFF

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22 Ms. Dianne Marx, Esq.

23 ON BEHALF OF DEFENDANT

24 Mr. Gregory Markel, Esq.

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1 A. I think we are, I'm waiting for your
2 question.

3 Q. My question was does Crown direct the
4 litigation and you said, I believe, subject to
5 consent of the controlling class representative, do
6 I have that right?

7 A. So far, yes.

8 Q. And the controlling class
9 representative was appointed by the first loss
10 certificate holder, the controlling class in this
11 securitization, correct?

12 A. Correct.

13 Q. And the first loss certificate holder
14 or controlling class is as we've been calling it
15 Forum, correct?

16 A. That's correct.

17 Q. Wells Fargo is not making the decisions
18 in this litigation, correct?

19 A. That's correct.

20 Q. Wells Fargo isn't being consulted about
21 this litigation, correct?

22 A. I'm not consulting Wells Fargo,
23 correct.

24 Q. When you were at Crown, you didn't go
25 to Wells Fargo seeking their input or concept in

1 connection with this litigation, correct?

2 A. We sought their consent.

3 Q. To file the case, correct?

4 A. Correct.

5 Q. But in terms of conducting the case,
6 have you sought Wells Fargo's input or consent?

7 A. I have not, no.

8 Q. Now, I believe you testified that all
9 of Crown's special servicing work for the period of
10 time you were working full time for them were
11 LaSalle securitizations, correct?

12 A. That's correct.

13 Q. To the best of your knowledge has that
14 situation changed?

15 A. Not that I'm aware.

16 Q. As far as you know, from 2005 to today,
17 all the work that goes on at Crown special
18 servicing group is on LaSalle loans correct?

19 A. That's correct.

20 Q. So for another way LaSalle is the only
21 participant in the industry, the only lender that
22 Crown knows from a business perspective, correct?

23 A. That Crown corporately.

24 Q. Yes.

25 A. Yes. Ask that question again, I think